

1           ALTEMUS & WAGNER

2           ATTORNEYS AT LAW

3           1255 SACRAMENTO STREET, REDDING, CALIFORNIA 96001

4           TELEPHONE: (530) 242-8800   FAX: (530) 242-8900

5           Stewart C. Altemus (State Bar #98746)

6           Attorney for Plaintiff LONNELL SMITH

7                           UNITED STATES DISTRICT COURT

8                           NORTHERN DISTRICT OF CALIFORNIA

9           LONNELL SMITH,

10                           Plaintiff,

Case No. C 09-01057 JL

11                           vs.

**REQUEST FOR DISMISSAL  
AND ORDER THEREON**

12           DATEX-OHMEDA, INC., et al,

13                           Defendants.

14  
15           TO THE CLERK:

16           Please dismiss this action as follows:

17           Without prejudice **ONLY AS TO DEFENDANT PENLON AMERICA, INC.**

18           Dated: April 17, 2009.

19                           ALTEMUS & WAGNER

20                           By: /s/ Stewart C. Altemus

21                           Stewart C. Altemus

22                           Attorney for Plaintiff

23                           ORDER

24           Pursuant to the Request for Dismissal of Plaintiff, LONNELL SMITH, Defendant  
25           PENLON AMERICA, INC. is dismissed as a Defendant in the above-entitled action, without  
26           prejudice.

27           Dated: 4/24/09

